

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

YANG MING (AMERICA) CORP.,

Plaintiff,

v.

ANDERSON INTERNATIONAL
GLOBAL LLC, trading as WORLDWIDE
PAPER CO.,

Defendant.

Civil Action No. 07-198 (JAG)

ORDER

GREENAWAY, JR., U.S.D.J.

This matter comes before this Court on the motion (Docket entry no. 9) of Plaintiff, Yang Ming (America) Corporation (“Plaintiff”), seeking to enter judgment against Defendant, Anderson International Global LLC (“Defendant”), pursuant to the terms of a Stipulation of Settlement entered into by the parties on February 15, 2007, and approved by this Court on February 21, 2007. The Stipulation provides that Defendant would pay Plaintiff a total of \$51,000, in eight equal monthly installments of \$6,375, due the first of each month, beginning March 1, 2007. (Stipulation of Settlement ¶ 1.) The Stipulation also provides that if Defendant fails to make a payment on time, Plaintiff’s counsel must provide written notice of Defendant’s default to Defendant. In turn, Defendant would have five days to cure the default. (Id. at ¶ 3.) If Defendant fails to cure the default within five days, “Plaintiff may enter judgment against Defendant in the amount demanded in the Complaint, \$75,373.64, minus credit for any payments made pursuant to [the] Stipulation of Settlement.” (Id. at ¶ 4.)

Defendant has made two payments of \$6,375, but has failed to make the May 1, 2007 payment. (Certification in Supp. of Mot. to Enter J. on Default of Stipulation of Settlement ¶¶ 10, 13.) Plaintiff's counsel notified Defendant of the default on May 1, 2007. (Id. at ¶ 11.) As of July 24, 2007, Defendant had not cured the default. (Id. at ¶ 12.) Plaintiff now seeks to enforce the terms of the settlement, and have this Court enter judgment against Defendant in the amount of \$62,623.64, representing the total of \$75,373.64, less the two payments totaling \$12,750.

In support of its motion, Plaintiff submitted a letter, dated May 1, 2007, addressed to Defendant's counsel notifying him of Defendant's default. (Ex. B to Certification in Supp. of Mot. to Enter J. on Default of Stipulation of Settlement.) In compliance with the Stipulation of Settlement, Plaintiff also submitted a hard copy of the e-mail, and facsimile verification report to which the May 1, 2007 letter was attached. (Stipulation of Settlement ¶ 3.)

Therefore,

IT IS, on this 12th day of October, 2007,

ORDERED that Plaintiff's motion for entry of judgment, on default of the Stipulation of Settlement, (Docket entry no. 9) is GRANTED; and it is

FURTHER ORDERED that a copy of this Order be served on all parties within seven (7) days of the date of entry of this Order.

S/Joseph A. Greenaway, Jr.
JOSEPH A. GREENAWAY, JR., U.S.D.J.